

MAIL STOP: Petition
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

In re application of: Najla GUTHRIE and Elzbieta Maria KUROWSKA
Serial No.: 10/697,563
Filed: October 31, 2003
For: **USE OF POLYMETHOXYLATED FLAVONES
FOR TREATING INSULIN RESISTANCE**

Sir:

Transmitted herewith is a **Petition to Withdraw Holding of Abandonment under 37 CFR 1.181(a)** in the above-identified application.

- ☐ Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.
☐ Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.
☒ No fee for additional claims is required.
☐ A filing fee for additional claims calculated as shown below, is required:

- ☐ Also transmitted herewith are:
☐ Petition for extension under 37 C.F.R. 1.136
☐ Other:

- ☐ Check(s) in the amount of **\$0.00** is/are attached to cover:
☐ Filing fee for additional claims under 37 C.F.R. 1.16
☐ Petition fee for extension under 37 C.F.R. 1.136
☐ Other:

- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.

- ☒ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
☒ Any patent application processing fees under 37 C.F.R. 1.17.
☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.


Robert J. Paradiso, Reg. No. 41,240
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485 Seventh Avenue, 14th Floor
New York, New York 10018
Tel: (212) 736-1940
Fax: (212) 736-2427

I hereby certify that this correspondence and/or documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on May 4, 2006.
DAVIDSON, DAVIDSON & KAPPEL, LLC

BY: 

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Serial No.: 10/697,563
Applicant: Najla GUTHRIE, et al.
Filed: October 31, 2003
Art Unit: 1614
Examiner: Kevin E. WEDDINGTON
For: **USE OF POLYMETHOXYLATED FLAVONES FOR
TREATING INSULIN RESISTANCE**
Docket No.: 476.1019

Mail Stop: Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

May 4, 2006

Petition to Withdraw Holding of Abandonment under 37 CFR 1.181(a)

Sir:

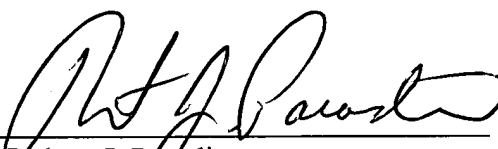
In response to the April 19, 2006 Notice of Abandonment for failure to file a timely reply to the August 8, 2005 Office Action and January 13, 2006 Advisory Action, issued in connection with the above-identified application, Applicants petition the Director to withdraw the holding of abandonment based on evidence that a reply was timely filed. Applicants submit that a Request for Continued Examination (RCE), was mailed on February 8, 2006 in reply to the January 13, 2006 Advisory Action. In support of this Petition, Applicants submit the following:

- (1) a copy of the RCE filed February 8, 2006, with certificate of first class mailing;
- (2) a copy of the petition for 3 month extension of time filed February 8, 2006;
- (3) a copy of check no. 8872, in the amount of \$1,690.00, which covers the fee for the RCE and the petition for 3 month extension of time; and
- (4) a copy of the return postcard, indicating receipt of items (1)-(3) by the U.S.P.T.O. on February 13, 2006.

In view of the above evidence provided, Applicants respectfully request that the Director withdraw the Examiner's holding of Abandonment.

It is believed that no fee is due in connection with the filing of this Petition under 37 CFR 1.181(a). In the event that any fee is due, Applicants hereby authorize the Commissioner to charge said fees to Attorney Deposit Account No. 50-0552.

Respectfully Submitted,
DAVIDSON, DAVIDSON & KAPPEL, LLC

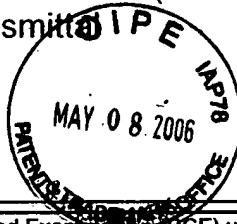
By: 
Robert J. Paradiso
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New York, New York 10018
(212) 736-1940

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Request For Continued Examination (RCE) Transmitted by First Invention

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



| | |
|------------------------|------------------|
| Application Number | 10/697,563 |
| Filing Date | October 31, 2003 |
| First Named Inventor | Najla GUTHRIE |
| Art Unit | 1614 |
| Examiner Name | Kevin WEDDINGTON |
| Attorney Docket Number | 476.1019US |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

- Submission required under 37 C.F.R. 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

 - ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
 - ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - ☒ Other: Amendment of December 8, 2005.
 - ☒ Enclosed
 - ☐ Amendment/Reply
 - ☐ Affidavit(s)/Declaration(s)
 - ☐ Information Disclosure Statement (IDS)
 - ☒ Other Petition for Three Month Extension
- Miscellaneous**

 - ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(i) required)
 - ☐ Other _____
- Fees** The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.

 - ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-0552. I have enclosed a duplicate copy of this sheet.
 - ☒ RCE fee required under 37 C.F.R. 1.17(e)
 - ☒ Extension of time fee (37 C.F.R. 1.136 and 1.17)
 - ☐ Other _____
 - ☒ Check in the amount of \$ 1,690 enclosed
 - ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|--------------------|--------------------|-----------------------------------|------------------|
| Signature | | Date | February 8, 2006 |
| Name (Print /Type) | Robert J. Paradiso | Registration No. (Attorney/Agent) | 41,240 |

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence and its enclosures is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

| | | | |
|--------------------|--------------------|------|------------------|
| Signature | | Date | February 8, 2006 |
| Name (Print /Type) | Marina Kriutchkova | | |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/697,563
Applicant: Najla GUTHRIE, et al.
Filed: October 31, 2003
Art Unit: 1614
Examiner: Kevin E. WEDDINGTON
For: **USE OF POLYMETHOXYLATED FLAVONES FOR TREATING INSULIN
RESISTANCE**
Docket No.: 476.1019



PETITION FOR EXTENSION UNDER 37 CFR 1.136(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

February 8, 2006

Sir:

Applicants petition the Commissioner for Patents to extend the time for response to the Final Office Action dated August 8, 2005 for three (3) months from November 8, 2005 to February 8, 2006.

Applicants submit that the statutory fee for a three month extension of time is \$1,020.00. Applicants further submit that a fee of \$120.00 for a one month extension of time was previously submitted with the corresponding Petition of December 8, 2005. Accordingly, a fee of \$900.00 is due in connection with this petition. Applicants note that a check in the amount of \$1,6900.00 is enclosed, \$900.00 of which is directed to cover this petition. If it is determined that any additional fees are due, the Commissioner is authorized to charge our Deposit Account No. 50-0552.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 

Robert J. Paradiso
Reg. No. 41,240

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DAVIDSON, DAVIDSON & KAPPEL LLC

OPERATING ACCOUNT

485 SEVENTH AVENUE 14TH FLOOR
NEW YORK, NY 10018

SIGNATURE BANK

PRIVATE CLIENT GROUP / 22

NEW ROCHELLE, NY 10804

1357,260/

8872

PAY One thousand six hundred ninety and NO/100

TO THE
ORDER OF

DATE

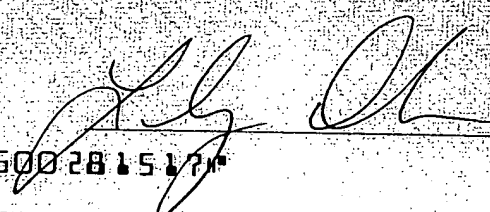
02/08/2006

AMOUNT

\$1,690.00

Commissioner of Patents & Trademarks

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MP

DAVIDSON, DAVIDSON & KAPPEL LLC

OPERATING ACCOUNT

02/08/06

Inv. No

476.1019US

Commissioner of Patents & Trademarks

Inv. Date

02/08/2006

Inv. Amt.

\$1,690.00

Paymt Amt.

\$1,690.00

8872

Best Available Copy

Our Ref.: 476.1019 February 8, 2006 RJP/EP/mk

Re: Application: Najla GUTHRIE, et al.

Serial No.: 10/697,563

Filed: October 31, 2003

For: **USE OF POLYMETHOXYLATED FLAVONES
FOR TREATING INSULIN RESISTANCE**

Enclosed:

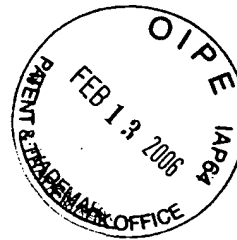
- RCE Transmittal Form (1page);
- Petition for Extension of Time (1 page)
- Check \$1,690.00.

VIA FIRST CLASS MAILING

MAIL STOP: RCE

DUE: February 8, 2006

RECEIVED BY:



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